Supreme Court, U.S.
FILED

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No. _____

OFFICE OF THE CLERK

In The

Supreme Court of the United States

LAURA LEE ROBINSON,

Petitioner,

vs.

R. RONNAE BLACK,

Respondent.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Seventh Circuit

SUPPLEMENTAL APPENDIX

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8 pp

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARLES COLLINS,

Plaintiff,

vs.

EDUCATIONAL THERAPY CENTER,
a corporation.

Defendants. **No. 94-CV-0644-DRH**

MEMORANDUM AND ORDER

(Filed Mar. 18, 2002)

Herndon, District Judge:

I. Introduction

On December 27, 2001, R. Ronnae Black filed a motion for the disbursement of certain funds deposited with the Court. (Doc. 122). Defendant Educational Therapy Center ("ETC") filed a Response, in which it agreed with Mr. Black's motion and, in addition, moved for the disbursement of certain funds payable to it. (Doc. 124). Laura Lee Robinson filed a Response objecting to Black's motion. (Doc. 125). Shortly thereafter, Black filed a motion to strike Robinson's Response. (Doc. 126). Ms. Robinson objected to this motion as well (Doc. 127), and Defendant ETC filed a reply. (Doc. 128).

The motions are fully briefed. Being fully advised in the premises, the Court **GRANTS** Black's motion (Doc. 122), and **GRANTS** ETC's motion for disbursement from the fund (Doc. 124). The Court also **DENIES AS MOOT** Black's motion to strike Robinson's response to his motion.

(Doc. 126). The Court **FURTHER ORDERS** that the funds deposited with the Court be distributed as provided in this Order.

II. Background

Plaintiff Charles Collins brought suit against his employer, ETC, alleging violation of Title VII, **42 U.S.C. § 2000e**. Collins was represented by both R. Ronnae Black and Laura Lee Robinson. On June 5, 1996, a jury found in favor of Collins and against ETC, and awarded him damages. The Court entered judgment on that verdict and allowed Plaintiff costs and attorney's fees. On appeal, the United States Court of Appeals for the Seventh Circuit affirmed the judgment against ETC, but vacated the jury's award of damages and remanded the case for a new trial on damages alone. ***Collins v. Kilbort*, 143 F.3d 331 (7th Cir. 1998)**. On remand, the parties participated in a settlement conference with Magistrate Judge Cohn, and agreed to settle the case. Under the terms of the settlement, Plaintiff was to receive $100,000, and $80,000 was to be paid to Robinson for attorney's fees. Only Robinson represented Collins in this settlement conference.

However, before the settlement funds were disbursed, one of Plaintiff's trial lawyers, R. Ronnae Black, asserted an attorney's lien for fees. Black filed suit in the Circuit Court of St. Clair County, Illinois, to enforce the lien on September 4, 1998. On September 11, 1998, Black obtained a preliminary injunction in the St. Clair Court preventing the payment of the attorney's fee portion of the settlement to Plaintiff's other attorney, Laura Lee Robinson, and directing that it be placed in a trust account pending the ultimate outcome of this fee dispute.

Meanwhile, both Plaintiff, through attorney Robinson, and Defendant moved in this Court to enforce the settlement. On October 7, 1998, Magistrate Judge Cohn filed a Report and Recommendation ("the Report") that the Court deny Plaintiff's motion to enforce and grant the Defendant's motion. The Court adopted the Report on October 30, 1998, ordering that,

> "[T]he $80,000 sum due Laura Robinson [be placed] into the registry of this court subject to adjudication of the dispute currently pending in St. Clair County; thereafter to be distributed in accordance with any final order issued in ***R. Ronnae Black v. Laura Lee Robinson, et al.*, No. 98-Mr-270, Circuit Court Twentieth Judicial District, St. Clair County, Illinois.**"

(Doc. 92, p. 3). The Seventh Circuit affirmed that order, and granted ETC sanctions in the sum of $6,615.99 because of Laura Lee Robinson's conduct in prosecuting the appeal. ***Collins v. Educational Therapy Center*, 184 F.3d 617 (7th Cir. 1999)**. Following this appeal, Plaintiff received the $100,000 due him per the settlement. However, the $80,000 set aside for attorney's fees remained on deposit with the Court.

Meanwhile, Mr. Black's attorney's lien litigation proceeded in the Circuit Court of St. Clair County. On February 11, 1999, the Circuit Court found Robinson in contempt and, as a sanction, ordered that she pay Black the sum of $900.00 and that her pleadings be stricken. On March 21, 2000, the Illinois Appellate Court affirmed that sanctions order. After a hearing on damages, on November 3, 2000, the Circuit Court of St. Clair County then entered judgment in Black's favor and awarded him attorney's fees of $54,915, plus pre-judgment interest, as well as costs in

the sum of $193. This order also provided that Black could seek payment of this sum from the money on deposit with this Court. On November 15, 2001, the Circuit Court entered a final order on Black's motion for sanctions against Robinson. The Court awarded Black as a sanction the sum of $14,372, plus statutory interest, and provided that this sum also should be paid from the funds held by this Court. On November 26, 2001, Plaintiff filed a Notice of Appeal in the Illinois court, but did not file an appeal bond per **ILLINOIS SUPREME COURT RULE 305**. Plaintiff also did not file a motion in the Illinois courts for an extension of time to file the appeal bond. One month later, on December 27, 2001, Mr. Black filed the motion to disburse the settlement funds per this Court's October 30, 1998 order (Doc. 122).

III. Discussion

The Court's October 30, 1998 order provided that the $80,000 held in this Court would "be distributed in accordance with any final order issued in ***R. Ronnae Black v. Laura Lee Robinson, et al.*, No. 98-MR-270, Circuit Court Twentieth Judicial District, St. Clair County, Illinois**." (Doc. 92). The Illinois litigation became final with the Circuit Court's entry of the sanctions order on November 15, 2001. According to the October 30, 1998 order, the money held by this Court may now be disbursed.

The enforcement of this order is not stayed by the Notices of Appeal that Robinson filed in the state court. In Illinois, the filing of a Notice of Appeal stays the enforcement of a money judgment only if the appellate posts a bond or obtains from the trial or appellate court a stay

order. **Illinois Supreme Court Rule 305; *Williamsburg Village Owner's Assoc. v. Lauder Assoc.*, 200 Ill. App.3d 474, 481 (Ill. App. 1 Dist. 1990)**. Robinson filed neither an appeal bond nor a motion for stay. Black alleged that she did not, Robinson did not deny it, and she provided no evidence of having done so. (Doc. 122, ¶10; Doc. 125, ¶3). Therefore, although Robinson's appeal may well proceed, it does not bar this Court's enforcement of the November 15, 2001 final order of the Circuit Court of St. Clair County, Illinois.

The Court also notes that Ms. Robinson explicitly agreed with most of the allegations in Black's motion. In paragraph 2 of her Response, Robinson stated that she "admits the allegations set forth in Paragraph *(sic)* 2, 3, 4, 5, 6, 7, 8, 9, and 11 of R. Ronnae Black's verified motion." (Doc. 125, ¶2). That is, Ms. Robinson specifically admits the following: that $80,000 has been deposited with this Court and is earning interest; that the Circuit Court of St. Clair County awarded Black $54,915 with prejudgment interest as an attorney's fee in this case, with costs of $193.00, as well as a sanction award of $14,372; and that the Seventh Circuit awarded ETC's attorney a sanction of $6,615.99 on July 26, 1999. (Doc. 122, ¶¶2-9, 11; Doc. 125, ¶2). Moreover, Robinson did not deny Black's allegation that she failed to file the appeal bond. (Doc. 125, ¶3). The Court believes that there is no bar to the enforcement of its October 30, 1998 order in light of the outcome of the Illinois fee litigation, and so **GRANTS** Black's motion. (Doc. 122).

Defendant ETC joins Black's motion, and also requests that the Court pay from the fund the sanction awarded to it by the Seventh Circuit in ***Collins v. Educational Therapy Center*, 184 F.3d 617 (7th Cir. 1999)**.

In a hearing held on November 19, 1999, Magistrate Judge Cohn ordered that the Seventh Circuit's sanction award against Ms. Robinson may be paid from the fund. (Doc. 106, p. 2). Magistrate Judge Cohn's decision on this issue was never challenged per **LOCAL RULE 73.1(a)** or **FEDERAL RULE OF CIVIL PROCEDURE 72**. The Court will now enforce Magistrate Judge Cohn's decision, and **GRANTS** ETC's motion for a disbursement from the fund to pay the Seventh Circuit's award of sanctions against Robinson, in the sum of $6,615.99. (Doc. 124). However, since the Seventh Circuit's July 26, 1999 order granting sanctions did not provide for the payment of interest, the Court will not award post-judgment interest on this sum.

IV. Conclusion

For these reasons, the Court **GRANTS** Black's motion (Doc. 122). The Court also **GRANTS** ETC's motion for disbursement from the fund. (Doc. 124). The Court further **DENIES AS MOOT** Black's motion to strike Robinson's response. (Doc. 126).

IT IS FURTHER ORDERED that the Clerk shall withdraw all sums in the interest-bearing account established for this case pursuant to the Court's Order of October 30, 1998 (Doc. 92). The Clerk shall assess and collect the registry fee assessment using the variable fee rate schedule set forth in **56 FR 56356-01** and distribute the remaining sum in the following manner, and in the following order, up to the maximum amount now remaining in the Court's account, as specifically provided by the relevant orders of the Circuit Court of St. Clair County:

1. To Mr. R. Ronnae Black: $54,915, plus pre-judgment interest calculated at the rate of interest this sum has

been earning while held in the Court's account, as well as post-judgment statutory interest granted in the November 3, 2000 judgment of the Circuit Court of St. Clair County, Illinois, calculated at the rate of 9% as set forth in **735 ILCS 5/2-1303**;

2. To R. Ronnae Black: $193.00, in satisfaction of the costs awarded by the Circuit Court of St. Clair County, Illinois, on November 3, 2000;

3. To Educational Therapy Center: $6,615.99, in satisfaction of the sanction award dated July 26, 1999, in the United States Court of Appeals for the Seventh Circuit;

4. To R. Ronnae Black: $14,372, plus post-judgment interest in satisfaction of the sanction award dated the November 15, 2001 in the Circuit Court of St. Clair County, Illinois, calculated at the rate of 9% as set forth in **735 ILCS 5/2-1303**; and

5. To Laura Lee Robinson: all remaining sums, if any, in the Court's registry, after the above sums have been released.

IT IS SO ORDERED.

Signed this 18th day of March, 2002.

/s/ David R. Herndon
DAVID R. HERNDON
United States District Judge